

# HOUSE BILL No. 1711

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-13-5; IC 22-15-2-6; IC 36-7-2-9.

**Synopsis:** Interpretive powers of state building commissioner. Gives the office of the state building commissioner the power to issue written interpretations of building laws. Requires a written interpretation by the office of the state building commissioner to be treated as a building law until it is amended or repealed. Requires units of local government to comply with the office of the state building commissioner's written interpretations.

**Effective:** July 1, 1999.

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## Moses, Stevenson

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January 26, 1999, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1711

A BILL FOR AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 22-13-5 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 1999]:

4       **Chapter 5. Power of State Building Commissioner to Interpret**  
5       **Building Laws**

6       **Sec. 1. The office of the state building commissioner may issue**  
7       **a written interpretation of a building law. An interpretation issued**  
8       **by the office of the state building commissioner must be consistent**  
9       **with building laws enacted by the general assembly or adopted by**  
10       **the commission.**

11       **Sec. 2. A written interpretation issued by the office of the state**  
12       **building commissioner under section 1 of this chapter shall be**  
13       **treated as a building law until it is amended or repealed by the**  
14       **commission, the general assembly, or the office of the state building**  
15       **commissioner.**

16       **Sec. 3. When issuing a written interpretation under section 1 of**  
17       **this chapter, the office of the state building commissioner is not**

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1 **required to comply with IC 4-22-2.**

2 SECTION 2. IC 22-15-2-6 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. To carry out the  
4 office's responsibilities, the state building commissioner or an  
5 employee or another agent of the office may:

6 (1) exercise any program of supervision that is approved by the  
7 commission, if the responsibility involves the administration or  
8 enforcement of a building law;

9 (2) enter and inspect any property, at a reasonable hour;

10 (3) issue and enforce administrative orders under IC 22-12-7 and  
11 apply for judicial orders under IC 22-12-7-13; ~~and~~

12 (4) cooperate with law enforcement officers and political  
13 subdivisions that have jurisdiction over a matter; **and**

14 **(5) issue a written interpretation of any building law under**  
15 **IC 22-13-5.**

16 SECTION 3. IC 36-7-2-9 IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 1999]: Sec. 9. Each unit shall require  
18 compliance with:

19 (1) the code of building laws that is adopted in the rules of the fire  
20 prevention and building safety commission under IC 22-13;

21 (2) orders issued under IC 22-13-2-11 that grant a variance to the  
22 code of building laws described in subdivision (1);

23 (3) orders issued under IC 22-12-7 that apply the code of building  
24 laws described in subdivision (1); ~~and~~

25 (4) IC 22-15-3-7; **and**

26 **(5) written interpretations of building laws issued by the office**  
27 **of the state building commissioner under IC 22-13-5.**

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